

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In re: Jeffrey Mark Hottle and Kelley Jean
Hottle,
Debtors.

CHAPTER 7

BANKRUPTCY CASE NUMBER
17-05211/HWV

Nationstar Mortgage LLC dba Mr. Cooper as
servicer for U.S. Bank National Association,
as Trustee for Lehman Mortgage Trust
Mortgage Pass Through Certificates Series
2005-1,
Movant,

11 U.S.C. § 362

v.
Jeffrey Mark Hottle and Kelley Jean Hottle,
Debtors,

John P. Neblett, Trustee,
Additional Respondent.

**MOTION OF NATIONSTAR MORTGAGE LLC DBA MR. COOPER AS SERVICER
FOR U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR LEHMAN
MORTGAGE TRUST MORTGAGE PASS THROUGH CERTIFICATES SERIES 2005-1
FOR RELIEF
FROM THE AUTOMATIC STAY UNDER SECTION 362 (d)**

Movant, Nationstar Mortgage LLC dba Mr. Cooper as servicer for U.S. Bank National Association, as Trustee for Lehman Mortgage Trust Mortgage Pass Through Certificates Series 2005-1 ("Movant"), hereby moves for relief from the automatic stay under section 362(d) and, by its undersigned counsel, avers the following in support of the said motion:

1. Debtors, Jeffrey Mark Hottle and Kelley Jean Hottle ("Debtors"), filed a petition under Chapter 7 of the Bankruptcy Code in the Middle District of Pennsylvania under the above case number.
2. Movant is the holder of a secured claim against Debtors secured only by a first mortgage lien on real estate which is not the principal residence of Debtors located at 1294 Hillendale Rd, Chambersburg, PA 17201 (the "Mortgaged Premises").

3. The filing of the aforesaid Petition operated as an automatic stay under Section 362(a) of the Bankruptcy Code of proceedings to foreclose the mortgage on the Mortgaged Premises.
4. Nationstar Mortgage LLC dba Mr. Cooper services the loan on the property referenced in this motion for relief. In the event the automatic stay in this case is modified, this case dismisses and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of for U.S. Bank National Association, as Trustee for Lehman Mortgage Trust Mortgage Pass Through Certificates Series 2005-1.
5. Nationstar Mortgage LLC dba Mr. Cooper, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to Noteholder or has been duly indorsed in blank. Noteholder is the original mortgagee, or beneficiary, or the assignee of the security instrument for the referenced loan.
6. Debtors have not claimed an exemption in the subject property.
7. There is a second mortgage on the property. The holder of the second mortgage is Manufacturers and Traders Trust Company in the amount of approximately \$70,000.00.
8. Debtor has failed to make the required monthly mortgage payments.
9. The defaults include the following monthly payments and charges:
 - a) Payments of \$1,838.54 from September 1, 2017 through November 1, 2017 which totals \$5,515.62;
 - b) Payments of \$1,855.34 from December 1, 2017 through January 1, 2018 which totals \$3,710.68;
 - c) The total amount due (9(a) through 9(b) combined) is \$9,226.30
10. The Fair Market Value of the Property is \$180,000.00, as per Appraisal. The approximate amount necessary to pay off the loan is \$203,272.16 good through January 8, 2018. The breakdown of the payoff is as follows:

Principal Balance	\$197,943.00
Accrued Interest	\$5,284.16
Corporate Advances	\$45.00
Daily Per Diem	\$33.22

11. Movant is entitled to relief from the automatic stay because of the foregoing default and because:
 - a) Movant, as a holder of the first mortgage lien securing a debt owed by Debtors lacks adequate protection for its interests in the Mortgaged Premises;
 - b) Debtors do not have any equity in the Mortgaged Premises; and
 - c) The Mortgaged Premises are not necessary to an effective reorganization or plan.
12. Debtors have indicated in their Chapter 7 Statement of Intention that they wish to surrender the Property.
13. Movant requests that the Court waive Rule 4001(a)(3), permitting Movant to immediately implement and enforce the Court's order.
14. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

WHEREFORE, Movant respectfully moves this Court for an Order (i) granting Movant relief from the automatic stay to foreclose upon and to otherwise exercise and enforce its rights with respect to the Mortgaged Premises, (ii) awarding reasonable attorneys' fees incurred in the preparation and presentation of this motion, and (iii) granting all such other and further relief as the Court deems appropriate and necessary. A proposed order to such effect is submitted herewith.

Respectfully submitted,

Dated: February 5, 2018

S&D File #:18-058601

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